

# MOSES



Madison Organizing in Strength, Equality, and Solidarity

## for Criminal Justice Reform

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## Getting to Know the Jail from the “Inside”

### From the MJSR Mental Health and Jail Reform Team

[The following piece was written based on the situation prevailing more than a month ago. New developments will give rise to future updates.]

**I**t may come as a surprise for many to learn that a small subgroup of the MOSES Justice System Reform Initiative (MJSR) has been meeting with Lieutenant Pierce at the Dane County Jail once a month for over a year and a half. This subgroup is part of the MJSR Mental Health and Jail Reform Team. Depending on the topic, Lieutenant Pierce brings in other jail staff, including mental health staff and those who deal specifically with solitary confinement/administrative segregation.

The jail staff has been making efforts to improve, and they seem genuinely concerned about the people in the jail. They emphasize the need for more programming and sufficient staffing levels. The current jail facility, especially the City County Building (CBC, the “old jail”), does not have space for program activities and the budget prevents adding staff. Lieutenant Pierce discussed his successful efforts to set up a “music therapy/quiet room” in the Public Safety Building. (In fact, former jail chaplain and current MOSES member John Mix was invited to decorate its wall with a colorful mural.)

### Solitary Confinement

First, it should be clarified that all cells at the Dane County Jail – unlike in Wisconsin prisons – are for single occupancy. In the CCB, there are four-cell and eight-cell blocks each with a common area. These cells have solid walls between them, but bars on the doors. Incarcerated people are free to move in and out of their cells into the common area except when they are under “administrative confinement”, when cells are locked, usually for a few days at the most and usually after a fight has broken out or some other transgression is deemed to merit this punishment, which can be imposed on the whole cell block or on an individual. (The situation in the Public Safety Building is different. There, pods of 24 or 48 persons each are open, with tables, chairs, TV, etc., and with a row of bunk beds. There are no “cells” as such. One deputy supervises the group.) The term “solitary confinement” here will refer to something else: incarceration in cells with solid doors containing a slot for passing food and a narrow vertical window. These cells are together in their own special section. All

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Karen Julesberg

Frank Davis

MOSES Justice System Reform Initiative Task Force

Paul Saeman

Jeanie Vershay

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# Organizer's Corner

## CHANGE: Life's Constant

**B**y the time you read this, I will have welcomed my baby girl into this world and celebrated the blessing that God has bestowed upon me. As I reflect on my life, the journey I have taken and the lessons I have learned, I can't help but ponder how different my life will be going forward. This innocent little human will rely on me and look to me for protection, guidance, and love. What an awesome responsibility!

As I write this, I can't help but also reflect on the world my baby will be coming home to: an environment and a system which have and will impede, intrude on, and flat-out destroy so much that we hold dear to our hearts. When I think about Charleena Lyles (history of mental illness, pregnant, and killed in front of her three children), Philando Castile (killed in front of his girlfriend and 4-year-old daughter), Tony Robinson, Sylville Smith, Alton Sterling, Freddie Gray, Walter Scott – the list goes on and on – it's a stark reminder that this "system" has been designed to devalue the life of my daughter, myself, and anyone who may look like us. This "system" is also meticulously thought out and constructed to break down families for generations to come. If you haven't seen the documentary "13th" or viewed the plethora of other revealing material out there, I advise you to get informed.

Here in Madison, we are currently planning to build a new

and so-called improved Dane County Jail, where potentially more people can be housed, more youth can be introduced into the system, and more ways to desensitize and dehumanize can be implemented, at a taxpayer cost of around \$100 million. Will this ultimately make Madison safer and save more money?

The answer depends on whether other policy changes, promised additional investment in treatment and diversion, the expansion of restorative justice practices, and other changes take place as well. Change is constant and inevitable, whether it's for the good or the bad. The new jail – if it's just going to be more of the same – represents a band-aid on the gaping wound that is the racially disparate and regressive criminal justice system in Dane County. We need radical surgery in order to achieve the kind of change that is needed. Actors are necessary and vital for change to happen. We in MOSES must keep acting to hold the County accountable to its stated intentions and to bring about change for the better.



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## Upcoming Events

### WISDOM Conference Calls (605) 468-8012

New Number

- Old Law: August 12th 8:30 am (code 423950)
- Solitary Confinement: August 15th at 4:00 pm (code 423950)
- Prison Prevention: August 15th at 5:00 pm (code 423950)
- Post-Release: August 24th at 7:30 pm (code 423951)

### MOSES Task Force: Justice System Reform (MJSR)

- Diversions Focus Area Meeting: August 9th, 10-11:30 am at the Sequoia Library, Midvale Blvd.
- MJSR Monthly Meeting: August 10th, 6:30-8:30 at Madison Police Station South District, 825 Hughes Place

### Events

- Faces of Incarceration Exhibit at the Overture Center through August 27th
- Milwaukee 53206 Screening: August 24th at the Overture Center

**Next MOSES Monthly Meeting:** September 9th (location to be announced)

# MOSES Honoree Turned His Life Around

by Barbie Jackson

**E**X-Prisoners Organizing (EXPO) honored leaders for their contributions to advancing the group's mission on June 30th. MOSES Vice President Talib Akbar received the James Wilborn Distinguished Leadership Award for his efforts to end the use of solitary confinement. Upon receiving this award, Talib said, "I can never thank the committee enough for selecting me for the James Wilborn award. This is a moment I can cherish for the rest of my life."

While Talib is now an advocate and an inspiration to others, life has not been easy for him. This is the story of his suffering and survival at Waupun State Prison and how he transformed his life to one of hope and dedicated service.

Talib left his home in Mississippi in 1986 and came to Green Bay, where he and a friend opened a boxing club. After some initial success, Talib got into trouble with the law, resulting in three prison terms. Talib recalls his prison time regretfully. "The third time was the worst," he said, "because I ended up in prison for 17 years.

"I was put in solitary confinement ten times, sometimes for 360 consecutive days. It was a shock at first to be in that cell," he recalls. "It was small and I was very alone. My mattress lay on the cold concrete slab and they kept the light on 24/7. It got awfully cold in winter. One time a fly came in and I couldn't shoo it out, so it became my friend for a couple of weeks. That was about the only contact I had. That's what caused my depression."

During his imprisonment, Talib had no contact with family. One time when he was moved to another location, his family was told he wasn't there and were given no information to find him. He said, "They tricked you and tried to separate families in this way."

While in solitary confinement, Talib was given only a few books, a sheet of paper and a pen insert (actual pens were not allowed) for writing. With that he drew a sketch of his cell. That sketch was later used by Edgewood College as a model for the actual-size replica they built (*pictured right*). Talib has displayed that cell replica all over Madison



Talib Akbar, MOSES Vice President, receives the 2017 EXPO Distinguished Leadership Award

and elsewhere in Wisconsin, and it has been featured in *The Marquette Tribune*. The cell has also been duplicated in Washington, D.C. and Virginia. Talib proudly notes that his attorney displays a copy of the sketch on her office wall.

When Talib was out of solitary, he read a number of law books at the prison library, while chained to a stationary chair, giving him the knowledge he needed to become an advocate. "I became a thorn in the side of the guards if they mistreated people. They all called me the 'legal beagle'. They said I was a relentless litigator and they didn't like that." Although the guards would sometimes confiscate materials he had prepared for others, at other times his efforts led to favorable outcomes.

Talib feels his depression has subsided as a result of his advocacy and new hope. He will celebrate his fourth anniversary of freedom in October and vows never to go back. He said, "I feel good now and I'll keep telling my story to make the public aware and to reform our laws. I have a deep feeling that if I don't do it, nobody will. But if I do it, there might be value. It is my passion! We have to change the narrative and make it better for people."

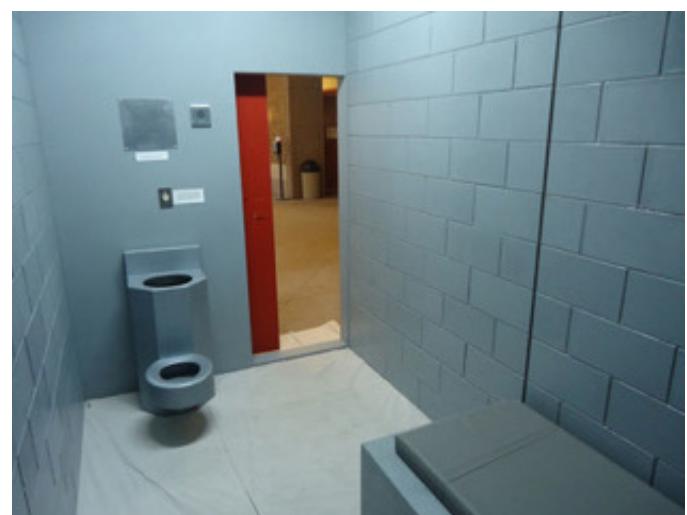


photo courtesy of the Marquette Tribune

## Getting to Know the Jail from the "Inside" *continued from page 1*

solitary confinement cells currently come with a routine of 23 hours in and one hour out per day. There are few if any exceptions.

The jail has been attempting to improve its procedures related to solitary confinement, in part as a result of attending national training events. An example of a policy improvement is the institution of a working group that meets every week to review every person who is in solitary. The reasons for people being moved to solitary are as different as the duration of their stays – and in some cases are driven by the limitations of the current jail structure. (For example, there are no other housing options for those who are pregnant or who must use a medical device such as a CPAP machine.) People having a drug or mental illness crisis may be placed in solitary while they are being booked into jail, and afterwards as well, for a short term (for example, while detoxing). Alternatively, people may be placed in solitary for longer terms, either, according to the staff, “for their own safety” or as a punishment. Except for the intake holding cells and medical isolation cells in the Public Safety Building, all of the solitary confinement cells are in the CCB (old jail).

Obtaining the numbers of people housed in solitary confinement each day requires a hand count and these numbers can change significantly from day to day. It seems that data over a period of time may be more useful than daily snapshots. MOSES would like these data to be more readily available.

### Mental Health

A mental health evaluation is done for everyone who comes into the jail. Some of the data is in the form of notes, which are not readily available for data reports. This data is not stored anywhere in the jail's data system. We think that it is important to collect this data in a more usable form in order to get a better handle on the flow of persons with mental illness in the jail. Some of the individuals in the jail have been mental health patients in the community and have received treatment. Jail medical staff frequently consult with outside providers to try to achieve coordinated care. The jail has its own list of medications they provide, however, resulting in some individuals being forced to change their medications. We see this as problematic, since changes in medication can be very disruptive and can result in the deterioration of a person's stability.

The jail places people on suicide watch in solitary confinement cells, because these are the only cells that have in-

ternal cameras. In our view, this only exacerbates mentally fragile states. While safeguarding a person, it is not as supportive as a hospital psych unit would be. We know that it is harmful and traumatic for people with mental illness to be in solitary confinement.

Psychotherapy is not done in the jail, according to those we spoke with, because it can lead to people being very vulnerable. (It is doubtful that staffing levels would allow for psychotherapy in any case.) This was an interesting observation and underscores the need to keep people with mental illness out of jail in the first place. There is one discharge planner at the jail who can help to line people up with services in the community. However, only a small percentage of people being discharged leave with a plan. It is mainly available to those who have a clearly scheduled discharge date. Discharges can happen at any time and there may not be an opportunity for the person leaving to interact with the discharge planner if the discharge is done without lead time.

### The New Jail

The jail staff feels positive about the proposed new jail structure, and believes it will allow an improvement in solitary confinement practices. They also look forward to having more programming space available adjacent to the holding cells. We've indicated to them that how the space is used is as important as how much space there is. Just because some of the cells in the proposed new facility have solid doors does not mean that individuals will be locked in them 23 hours per day. [But see accompanying Q&A on page 5.] With properly designed units, the jail staff anticipates that it will be possible to allow people to go in and out of their solitary confinement cells to the common area until lights-out in the evening.

As a result of these discussions, we in the Mental Health and Jail Reform Team feel optimistic and are impressed by the quality and dedication of the staff. We feel that it is important to continue these discussions. Staffing, policies, and procedures are as important as the jail space itself. These ongoing discussions give us a unique opportunity to raise our concerns about solitary confinement, suicide holds, medication, and other issues. We also continue to advocate for more mental health resources in the community, such as a crisis/restoration center, and to reduce the number of people with mental illness who are in the jail.

We believe that MOSES must hold the County's proverbial feet to the fire as we move forward to ensure that the Resolution 556 recommendations are fully implemented.

# New Jail Solitary Confinement Q & A

by Nino Rodriguez

Q: What is “solitary confinement”?

A: Caging a person, isolated, without meaningful social interaction, more than 22 hours per day.

Q: In the current jail, how many cells are used for solitary confinement?

A: 44 cells, according to the Sheriff's Office, as of July 2015. See page 3: <http://bit.ly/2rtCdiW>

Q: In the new jail proposal, how many cells are designed to hold one person?

A: At least 124 cells are “single cells” designed for single occupancy.

Q: Will the new jail cells’ doors eliminate bars, which have been a safety hazard?

A: Yes, all new cells will have solid doors. This means that all 124 single cells could be used for solitary confinement because the doors can be completely sealed.

Q: How many new cells are designed to be used for solitary confinement?

A: At least 79 of the new cells are designed for isolation, with high-security doors, and slots for food. These cells are designed to isolate people as much as possible, including during meals. Additionally, there are at least four “safety cells” with “rubberized” surfaces, but no sink or toilet.

Q: Who will be most impacted by this increase in solitary confinement?

A: Black men and women. 72% of people in “segregation” in June 2015 were Black people; see: <http://bit.ly/2suQnjL> In the new jail design, female areas have proportionally more single cells.

Q: Didn’t the County Board commit to reducing the use of solitary confinement?

A: Yes, Resolution 556 stated “BE IT FURTHER RESOLVED, the County Board supports... eliminating or reducing solitary confinement.” See page 11: <http://bit.ly/1IQ7oWR>

Q: What can community members do to stop solitary confinement?

A: Demand that Dane County elected officials immediately stop all jail construction plans, and instead make a significant capital budget investment in planning effective jail alternatives, such as transitional housing, a restoration center, and community-based mental wellness facilities.

Endorsers:

- Discord Collective
- Families For Justice
- Freedom Inc
- LGBT Books to Prisoners
- Operation Welcome Home
- Racial Justice Tipping Point
- Young Gifted and Black Coalition (YGB)

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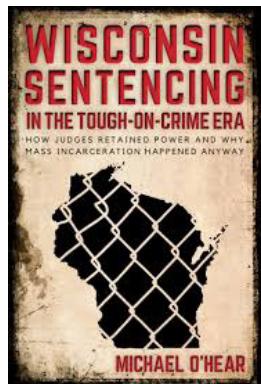
For more information about the Dane County Jail and proposed construction,

visit the MOSES website at [MOSESMadison.org](http://www.MOSESMadison.org)

# Book Review: Wisconsin Sentencing in the Tough-on-Crime Era

## Do Our Attitudes About Prison Make a Difference to Wisconsin's Justice System?

by Sister Joan Duerst



**A**bout 50 years ago, the prison population in Wisconsin was at 2,500. Thirty years later, by 1997, the number was 22,000, where it remains today. What made the difference in the past 50 years, causing such a dramatic increase in the number of incarcerated people, with all the accompanying devastation to our Wisconsin communities? Most importantly, can we make a difference now?

In early May, the Madison Institute of Progressive Ideas brought together our own vice-president, Talib Akbar, with Michael O'Hear, Professor of Law at Marquette University Law School, and Cecelia Klingele, Assistant Professor of Law at University of Wisconsin Law School, to talk about mass incarceration in Wisconsin and what we can do to change it. A good number of MOSES members attended. The evening moved me to read a recent book by Michael O'Hear, *Wisconsin Sentencing in the Tough-on-Crime Era: How Judges Retained Power and Why Mass Incarceration Happened Anyway*. It is a must-read for those who wish to see prison reform today.

O'Hear points out that in the 1970s, Governor Pat Lucey's "Council on Criminal Justice" was given the task of "moving away from police hardware and toward systemic reform of courts and corrections", based on a strong commitment to rehabilitation as a desired and realistic aim for most incarcerated persons. Probation and parole were part of community-based, as opposed to prison-based, programs, with judges and correction officials being given wide discretion in how best to deal with individual cases. The CCJ emphasized that offenders "must be treated as community members with respect to decision-making and participation in their fates" and the challenges posed by offender reintegration were essentially a community, and not just a government, responsibility. The CCJ was broad-based, including a tribal official, a university professor, and a private lawyer. A

prison chaplain was included to recognize the legitimacy of prisoners' interests.

What happened between the more progressive 1970s and now is the subject of the rest of the book. While mandatory sentencing guidelines were an important contributor to mass incarceration nationwide, O'Hear cites a different reason for mass incarceration in Wisconsin: judges in Wisconsin exercise considerable discretion when sentencing offenders. This is because the state has fewer mandatory minimum policies than many states. The fact is that many Wisconsin judges have taken a punitive approach when sentencing offenders to prison. They, in turn, are often reflecting the attitudes of those who elected them. Through telephone surveys of a representative sample of Wisconsin voters O'Hear found the following:

- 62 percent of respondents believe that the courts are too lenient with criminals.
- 84 percent support tougher sentences for repeat offenders.
- Only 34 percent say that the justice system is doing a good job of ensuring that people who commit crimes receive the punishment they deserve.

O'Hear helps readers become conscious of how political leaders and judges, who are elected by the people, have or have not made reforms happen. This being the case, it is a change in "hearts and minds" as much as in laws, that is required. MOSES, as an affiliate of a large faith-based network, can play a bigger role in prison reform than we imagine.

Do our faith traditions teach that people are irredeemable, that people who do the wrong thing should be punished forever or that people who do wrong are no longer human and lose their human rights?

Read and reread each part of O'Hear's book to learn the lessons of history and to find the words needed to change our own minds, talk to one another and converse with those in power. We can make the prison system work for all by creating the political will to do so. A good place to begin is with our faith congregations, where MOSES begins.

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**The Evjue Foundation**

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